

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA,
Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,
Defendant.

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Civil Action No.: 1:19-CV-00877

DEFENDANT’S STATEMENT OF DEFENSES AND ESTIMATE OF TRIAL LENGTH

TO THE HONORABLE JUDGE PITMAN:

Rule CV-16(f) of the Court’s Local Rules instructs the parties to file, “[i]n cases to be tried to a jury, a statement of the party’s claims or defenses to be used by the court in conducting voir dire.” LR CV-16(f)(2) (W.D. Tex.). In compliance with that rule, Defendant The University of Texas at Austin (“UT Austin”) respectfully states as follows:

UT Austin awards lifetime tenure on an early basis only for professors whose extraordinary accomplishments demonstrate why UT Austin should commit to tenure early, as opposed to allowing the professor’s performance to develop and making the decision in the professor’s “up or out year.” Here, although supportive of her candidacy, her own department chair recognized that Dr. Nikolova was not a strong candidate for early promotion, as did her dean, who recommended against promoting her early. Based on concerns about her performance, particularly in grant funding and publications, then-President Gregory Fenves denied her application for promotion without prejudice, meaning that Dr. Nikolova can reapply for tenure at the standard time. Dr. Fenves’s decision was not based on her sex or pregnancy, nor did anyone retaliate against

Dr. Nikolova for voicing complaints about her non-promotion. Similarly, any differences in pay between Dr. Nikolova and her departmental peers are due to factors other than her sex.

Rule CV-16(f) further instructs the parties to file “[a]n estimate of the probable length of trial.” LR CV-16(f)(10) (W.D. Tex.). As of this filing, UT Austin’s Motion for Partial Summary Judgment (Dkt. #39, filed 09/29/21) remains pending. The probable length of trial varies widely depending on whether the Court grants or denies that motion. UT Austin estimates that, if the motion is granted in its entirety, the trial will take approximately 1.5 days (not including jury deliberation time). If the motion is denied in its entirety, UT Austin estimates that the trial will take approximately 4.5 days (not including jury deliberation time).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower

BENJAMIN L. DOWER

Deputy Chief for General Litigation Division